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Application No. 09/307,195

Filed: May 7, 1999

TC Art Unit: 3625

Confirmation No.: 4520

REMARKS

Claims 1-3, 5-10, 12-14, 16, 25-27, 29-34, 36, 41, 42 and 44-49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Benetti et al. Claims 4, 11, 17, 28, 35 43 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Benetti disclosed by Benetti. The Office Action indicates that the device of Benetti is "reasonably capable of performing the recited functions." However, this is not the case. The Examiner's attention again is directed to the relationship shown between the cord and the retaining element illustrated in Fig. 5 of the application. Note that artery 86 is "sandwiched" between cord 76 and retainer surface 94.

Benetti does not disclose a structure in which a suture is held relative to a bottom surface of the device in the recited manner. The independent claims have been amended to positively recite the upper surface and bottom surface of the device and the positioning of the cord. Can the Examiner identify a "bottom surface" of the Benetti device that is positioned to orient a cord held under tension by a holder over the upper surface? The Applicant's attorney is unable to locate this feature in Benetti. Applicant's attorney respectfully requests a telephone interview

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to discuss the above issue with the Examiner. Reconsideration is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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